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REMARKS

Attached hereto is an Excess Claims Letter and fee for one excess independent claim. Also attached hereto is a Petition and fee for an extension of time.

Claims 1-21 are all of the claims presently pending in the application. New claim 21 has been added to claim an additional aspect of the present invention. Claims 1-20 stand rejected on prior art grounds. Claims 1 and 2 stand rejected under 35 USC §112, second paragraph, as being indefinite. Applicant believes that the indefiniteness issues have been resolved by the above claim amendments and respectfully request that the Examiner reconsider and withdraw this rejection.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability.

Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Regarding the prior art rejection, claims 1-20 stand rejected under 35 U.S.C. §102(e) as anticipated by over US Patent Application Publication No. US2003/0149765 A1, having a filing date of June 27, 2002.

However, as explained in more detail below, based on the earlier Japanese priority date of June 2, 2000, for the present Application, this prior art rejection is respectfully traversed as failing to meet the initial burden of a *prima facie* rejection unless the Examiner provides additional details about the contents of the presented publication.

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I. THE CLAIMED INVENTION

Applicant's invention, as disclosed and claimed in independent claim 1, is directed to a distributed processing method in which a processing task is distributed to a plurality of user terminals and is executed by a plurality of user terminals.

A server divides a processing task into a plurality of processing units and distributes the processing units to the plurality of user terminals. Each of the plurality of user terminals executes the distributed processing unit received from the server and sends back a processing result to the server via a network. The user terminals receive a specified service as a value for executing the processing units.

The present invention provides one method in which a contractor of a complicated computing task can control cost of capital investment and by which unused computer time on user terminals such as personal computers can be more effectively utilized by having the contractor's computing task executed in the background of a user terminal.

II. THE PRIOR ART REJECTION

The Examiner alleges that Patent Publication No. US 2003/0149765 A1 to Hubbard et al. clearly anticipates the present invention as defined by claims 1-20.

Applicant respectfully disagrees.

First, although it is arguable that the cited publication teaches or suggests certain aspects of the present invention, this publication has a filing date of June 27, 2002, and derives priority from one or more of eight applications dating back to as early as March 30, 2000, as listed on the front page of the cited publication under the subtitle "Related US Application Data".

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The present Application derives a Japanese priority date of June 2, 2000. Therefore, the filing date of June 27, 2002, eliminates the cited publication as prior art for the present Application except to the extent of the concepts taught in the first three of the Related US Application Data.

That is, because of the Japanese priority date of the present Application, the following three documents are qualified as prior art:

- Application 09/539,448, having a filing date of March 30, 2000;
- Application 09/539,428, having a filing date of March 30, 2000; and
- Application 09/539,106, having a filing date of March 30, 2000.

Unfortunately, these three Applications were filed before the onset of the automatic publication of US patent applications and are, therefore, not available to the Applicant to determine exactly how these three Applications compare with the present invention.

It is noted that there are only two of the eight documents listed in the Related US Application Data that can be retrieved from the USPTO Publications database (Application No. 09/794,969 and Application No. 09/834,785). Both of these two available documents are distinctly different from the cited publication provided to Applicant (US Patent Publication No. US 2003/0149765 A1).

Therefore, it is not possible for Applicant to compare the contents of the three priority applications listed above, having filing date of March 30, 2000, with the details of the present invention, since the Examiner does not provide a copy of these three applications having this earlier filing date and since there is no indication in the one publication provided by the Examiner or in the two publications retrievable from the USPTO Publications database as to how much content therein is reasonably disclosed in the three publications having the earlier

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filing date of March 30, 2000.

Until the Examiner provides to the Applicant either a copy of relevant ones of these three applications to Hubbard et al., having filing date of March 30, 2000, or otherwise indicates how much content in Patent Publication US 2003/0149765 A1 is common with these three earlier applications, there is no reasonable way to compare Hubbard with the present invention as defined by claims 1-21.

At this point, Applicant tentatively speculates that the US Patent Publication US 2003/0149765 A1 (presented by the Examiner as prior art) and the two publications retrievable from the Patent Publications database comprise respective updates of the three applications having filing date of March 30, 2000. Therefore, Applicant additionally speculates that the presented publication US 2003/0149765 A1 bears a resemblance to one of these three earlier applications, but the precise details of Hubbard's method cannot be deciphered until the Examiner presents additional information.

Applicant intends to shortly submit a verified translation of the priority document to perfect the priority filing date of the present invention, thereby eliminating US Patent Publication US 2003/0149765 A1 as a prior art reference to the extent of any additional details added after the version filed in March 30, 2000.

Second, even if one or more of the three priority documents for US Patent Publication US 2003/0149765 A1 did contain all of the contents of this publication, there is no reasonable suggestion for stating that the disclosure of this publication teaches or suggests a number of design details of the present invention.

More specifically, at this point, Applicant traverses that Hubbard fairly teaches or suggests at least the specific techniques of:

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1. Using a "license application", as defined by claim 3, in the user terminals;
2. Having both an application server and a collection/distribution server, and a "license key", as defined in claim 4;
3. Having the user terminals process the task as background processing, as defined in claim 5;
4. Using the number of license applications, as defined in claim 6; and
5. Having a customer terminal and an application server, and a collection/distribution server, as defined in claim 7.

That is, although the original disclosure of Hubbard may arguably have methodology that is similar in some respects to those used in the present invention, the present invention is also likely to be a unique combination of elements that is not reasonably taught or suggested by Hubbard.

However, until the Examiner presents a complete disclosure upon which to compare the specific design techniques of the present invention, Applicant cannot make adjustments to the claims at this time.

Finally, it is also submitted that the failure of providing a complete disclosure upon which Applicant can compare with the present invention (e.g., failure meet the initial burden of a *prima facie* rejection) precludes the next Office Action from being final.

III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that at least some of claims 1-21 presently pending in the application are patentably distinct over the prior art of record but that it cannot be determined at this time what adjustments are required to place them into

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condition for allowance. The Examiner is respectfully requested to provide documentation for clarification as to precisely how much of the disclosure of Hubbard is information that was originally disclosed as of the filing dated March 30, 2000.

Should the Examiner find it likely to assist in any manner, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any changes deemed necessary, either in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 2/26/04



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